



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

By Fax and First Class Mail

February 4, 2010

Richard A. Nylén, Jr., Esq.
Lynch, DeSimone & Nylén, LLP
12 Post Office Square
Boston, MA 02109

Re: New Ventures Associates, LLC; Crow Lane Landfill, Newburyport, MA

Dear Mr. Nylén:

Your letter of January 29, 2010 on behalf of New Ventures Associates, LLC ("New Ventures") to Richard Chalpin and Matthew Ireland has been referred to me for response. In your letter, you request information regarding access to and use of funds held in trust pursuant to the existing Financial Assurance Mechanism ("FAM") for Operations and Maintenance ("O&M") and other expenses associated with the Crow Lane Landfill closure. In your letter, you also state that those expenses "have exceeded the projections and there are no revenues coming in to New Ventures at this point."

In order to assist the Department in making a determination regarding use of FAM monies for O&M or any other expenses associated with the landfill closure, please provide the following financial information and documents to me:

1. Complete federal tax returns for New Ventures for each of the last three years (2007-2009), together with original, signed IRS Forms 4506 and 4506-T (enclosed herewith).
2. A current, updated closure/post-closure cost estimate prepared and certified by SITEC in accordance with 310 CMR 19.011.
3. All invoices, receipts and other documents evidencing revenues received by New Ventures for each of the last three years (2007-2009).

The information and documents specified above are necessary to the Department's determination whether the FAM should be accessed and FAM monies used to fund landfill closure activities. Please provide the foregoing information to me at your earliest convenience. Immediately upon receipt, I will forward the documents and other information to the Department's financial analyst for review. If, upon review of the documents and information, the Department determines that additional information is necessary to complete its review, I will notify you.

Feel free to call me if you have any questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael W. Dingle". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael W. Dingle
(617) 292-5959

Cc: Richard Chalpin, MassDEP NERO
Matthew Ireland, AAG